

U.S. DEPARTMENT OF THE INTERIORBUREAU OF LAND MANAGEMENT

National

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Washington, DC 20240

<http://www.blm.gov>

August 2, 2011

In Reply Refer To:

2920/2930 (250/350) P

Ref. IM No. 2008-179

EMS TRANSMISSION 08/04/2011

Instruction Memorandum No. 2011-159

Expires: 09/30/2012

To: All WO and Field Officials

From: Assistant Director, Renewable Resources and Planning

Subject: Scattering of Cremated Remains

Program Areas: Lands and Realty, Recreation, Cultural Resources, and the National Landscape Conservation System.

Purpose: This Instruction Memorandum (IM) supersedes the guidance provided in IM 2008-179, Permitting of Commercial Services for the Scattering of Cremated Remains on the Bureau of Land Management Lands and Waters, and provides guidance for individual, non-commercial scattering of cremated remains.

Policy/Action: The Bureau of Land Management (BLM) shall not issue permits or other land use authorizations for commercial services providing for the disposal of cremated remains on public lands. Existing commercial authorizations for this service, if any, will not be renewed.

Individual, non-commercial scattering of cremated remains is subject to applicable state law and is considered casual use under 43 CFR 2920.0-5(k). The definition of casual use is “any short term non-commercial activity which does not cause appreciable damage or disturbance to the public lands, their resources or improvements, and which is not prohibited by closure of the lands to such activities.” Inquiries from individuals and families to scatter cremated remains should be handled on a case-by-case basis. Guidelines about appropriate scattering procedures and recommended locations, as determined by local units, may be provided to the public.

If the level of use associated with individual, non-commercial scattering of cremated remains exceeds casual use criteria or causes resource concerns, local units may establish notification requirements in order to determine the extent of use and whether an authorization process should be established and implemented for this activity. If warranted, managers may establish a standardized process for issuing letters of authorization through Lands and Realty, after the appropriate level of public scoping, National Environmental Policy Act analysis, National Historic Preservation Act review, and appropriate consultation are completed. The activity of scattering cremated remains may be addressed in land use plans.

Non-commercial requests for group use for memorial ceremonies or services associated with individual scattering of cremated remains should be evaluated as group use activities under the guidelines in the Recreation Permit Administration Handbook, H-2930-1, Appendix B-1 (Decision Tree for Special Recreation Permitting) and Section II (Waiving the Requirement to Obtain a Permit). The authorized officer may waive permit requirements when group events are not commercial; are not publicly advertised; pose no appreciable risk for damage to public land or related water resource values; and require no specific management or monitoring.

Questions and answers related to the scattering of cremated remains are attached.

Timeframe: Effective immediately.

Budget Impact: None.

Background: The BLM first issued guidance for evaluating applications for commercial disposal of cremated remains in 2008. The guidance was renewed once and expired on September 30, 2010.

Cremated remains are not considered a hazardous substance. However, the quantity of material associated with commercial distribution of cremated remains could preclude other land uses and may require designation and regulation of land as a functioning cemetery. This could require disposal of parcels of public land under appropriate authorities because the BLM does not manage functioning cemeteries.

Manual/Handbook Sections Affected: None

Coordination: Development of this policy was coordinated with the National Landscape Conservation System, the Division of Cultural, Paleontological Resources and Tribal Coordination, the Division of Lands, Realty, and Cadastral Survey, the Division of Recreation and Visitor Services, the Division of Fish, Wildlife and Plant Conservation and the Office of the Solicitor.

Contact: Questions may be directed to Judi Zuckert, Recreation and Visitor Services (WO-250) at 202-912-7093, or by email at judith_zuckert@blm.gov, or to Vanessa Engle, Lands and Realty (WO-350) at 202-912-7339, or by email at vanessa_engle@blm.gov.

Signed by:

Robert T. Ratcliffe

Acting, Assistant Director

Authenticated by:

Robert M. Williams

Division of IRM Governance, WO-560

Renewable Resources and Planning

1 Attachment

1 - Questions and Answers Related to the Individual Scattering of Cremated Remains (3pp)